

IN THE UNITED STATES DISTRICT COURT
FOR THE _____ DISTRICT OF _____
_____ DIVISION

*(Write the District and Division, if any, of the
court in which the complaint is filed.)*

Samuel Joseph Bozohovic

*(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

-against-

Warden David Verano

Deputy Warden Douglas Meyer

*(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)*

**Complaint for Violation of Civil
Rights**
(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

**FILED
SCRANTON**

AUG 14 2017

PER

DEPUTY CLERK

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Samuel Joseph Bozackovic
 All other names by which you have been known:
Sam, Sammy
 ID Number 20163025
 Current Institution Columbia County Prison
 Address ~~721 Iron St~~ 721 Iron St
Bloomsburg PA 17815

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name David Verano
 Job or Title Warden
 (if known)
 Shield Number _____
 Employer Columbia County Prison
 Address 721 Iron St
Bloomsburg PA 17815
☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name Douglas Meyer

Job or Title Deputy warden
(if known)
Shield Number _____
Employer Columbia County Prison
Address 721 Iron St.
Bloomsburg PA 17815
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name William Emmitt
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address 721 Iron St
Bloomsburg PA
☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____
☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Eighth Amendment: Negligence failed to use reasonable care and failed to protect me from being attacked by another prisoner Farmer v Brennan 511 U.S. 825

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The warden and deputy warden neglected to perform proper security checks, breach of security, didn't do their duty, which caused (causation) damages, failed to remove hooks from lockers, neglected to use reasonable care. Inmate Emitt Attacked me with weapon

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee

- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) Not Convicted nor Sentenced federal Prisoner

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Columbia County Prison on A-block. April 26, 2017
approximately 4:15 pm

- C. What date and approximate time did the events giving rise to your claim(s) occur?

April 26, 2017
4:15 pm

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was assaulted with a weapon that was made out of
a locker hook in which should have been removed long ago.
I was attacked by William Emmitt, who is known
by multiple prison guards to have had weapons as such.

(b) Morton Brown 5

(b) Fry

(b) Parrell

The entire incident is on camera... As it will indicate that the officer on duty CO Brown greatly hesitated in calling for assistance. I could have in essence been killed!

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I had lacerations ~~to~~ to the back of my head and also on my left side rib cage. I was seen by the institutional nurse "Allison" who took pictures and said "I was fine". She also was telling other inmates that "I told on the person who assaulted me". Which in turn caused more insult to injury... essentially labeling me as a "Snitch or rat".

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am requesting monetary relief for punitive damages as well as endured continuous mental suffering. I have requested counseling and/or assistance to help with my anguish. Attempts have been unsuccessful.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Columbia County Prison
Bloomsburg PA 17815

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

Columbia County Prison
To: Warden Verano

2. What did you claim in your grievance?

I was seeking monetary relief; For violation of 8th Amendment, Prison officials failed to protect me from attack when they knew and didn't respond reasonably...

3. What was the result, if any?

No response...

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I was ~~was~~ informed that there was no appeal process... I tried to get that response documented on paper but only received it verbally.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did ...

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Approved

I filed a Standard 95 form, OMB NO 1105-0008
As I understand this is also relevant to the
exhaustion of administration remedies. Sent to BAP Wash, DC

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.) 320 1st St

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

NA

2. Court *(if federal court, name the district; if state court, name the county and State)*

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

NA

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

NA

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) NA

2. Court *(if federal court, name the district; if state court, name the county and State)*

NA

3. Docket or index number

NA

4. Name of Judge assigned to your case

NA

5. Approximate date of filing lawsuit

NA

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. NA

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

NA

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: August 1, 2017.

Signature of Plaintiff Samuel Bozackovic

Printed Name of Plaintiff Samuel Bozackovic

Prison Identification # 20163025

Prison Address 721 Iron Street

Bloomsburg PA 17815

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address

Telephone Number

E-mail Address



Office of the Clerk

UNITED STATES DISTRICT COURT
for the

MIDDLE DISTRICT OF PENNSYLVANIA
William J. Nealon Federal Bldg. & U.S. Courthouse
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148

(570) 207-5600 Fax (570) 207-5650
www.pamd.uscourts.gov

Divisional Offices:

Harrisburg:
(717) 221-3920
Williamsport:
(570) 323-6380

Peter J. Welsh
Acting Clerk of Court

TO: Samuel Bozochovic

REFERENCE: Your recent letter

Please see the paragraph checked below:

✓

✓

The forms you requested are enclosed.

Effective May 1, 2013, the filing fee for a civil rights complaint is \$400.00, which represents a statutory filing fee in the amount of \$350.00 and a \$50.00 Administrative Fee for plaintiffs who submit the filing fee in full. The \$50.00 Administrative Fee does not apply to persons granted in forma pauperis status under 28 U.S.C. §1915. Therefore, if in forma pauperis status is granted, the plaintiff will be responsible to pay \$350.00. However, if in forma pauperis status is denied, the plaintiff will be required to pay \$400.00.

✓

ATTENTION<http://www.pamd.uscourts.gov>. Please be advised that if you have filed an Application to Proceed In Forma Pauperis and it is granted, an order may be filed by the court directing the U.S. Marshal to serve your complaint on the defendants. In order for the U.S. Marshal to make service you must complete a U.S. Marshal form 285, Notice of Lawsuit and Request for Waiver, and a Waiver of Service of the Summons form for **EACH** defendant you wish to sue. The forms are attached herewith. Should you have additional defendants and need additional forms, the forms are currently available on the Court's website at <http://www.pamd.uscourts.gov> or you may write to the Court to request additional forms. It is important that all defendants' names and addresses are clearly written to avoid delays on service of your complaint. If the court orders the U.S. Marshal Service to serve your complaint, they will not do so without these forms being completed by you.

There are no appointment of counsel forms. Motions for appointment of counsel may be typed or legibly hand-written.

The enclosed documents are being returned to you. If you are filing a new complaint, you may do so on the proper forms. If you are requesting the Court to take a particular action in a pending case, you must do so in the form of a motion, and refer to the case number.

_____ The Court is unable to act on the subject matter of your letter except in the context of a formal lawsuit, which you are required to file on the proper forms. Enclosed for your convenience are the necessary forms.

_____ This office is unable to provide legal advice to individuals on how to proceed with a lawsuit.

_____ The Clerk's office does not provide free copies of documents to individuals except by order of Court. Copies of an electronic document are available at a cost of \$.10 per page. All other copies cost \$.50 per page. The cost of your request is _____, which must be paid in advance. Please make check payable to the Clerk of Court. It must include your case number and indicate that it is for copies.

_____ This office does not provide transcripts to individuals free of charge unless so ordered by the Court. You may contact the court reporter to make the necessary arrangements or file a motion with the Court.

_____ This office does not provide copies of Federal Criminal or Civil Rules of Procedure to the public. Please check your institutional library.

_____ Your receipt is enclosed.

_____ The forms you request are not available from this office, but must be obtained from state court.

_____ This office does not have the information you are requesting.

_____ The Local Rules were sent to your institution's law library on _____.

PETER J. WELSH, ACTING CLERK OF COURT

BY: _____



Samuel Bozochovic
721 Iron St.
Bloomsburg PA
17815

RECEIVED
SCRANTON

AUG 14 2017

PER SP
DEPUTY CLERK

Office of The Clerk
United States District Court
Middle District of Pennsylvania
William J. Nealon Federal BLDG Plus
235 North Washington Avenue
PO Box 1148
Scranton PA, 18501-1148

Legal
Mail